

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

MARK DAVIS,	:	Bankruptcy No. 16-24792-JAD
	:	
	:	
Debtor.	:	Chapter 13
	X	
BANK OF AMERICA, N.A.,	:	
its successors and/or assigns,	:	
	:	
Movant,	:	
	:	
v.	:	Related To Doc. Nos. 16, 21
	:	
MARK DAVIS and	:	
ROBERT SHEARER, TRUSTEE,	:	
	:	
Respondents.	:	
	X	

ORDER

The above captioned debtor has filed a copy of an envelope reflecting that service of Bank of America's Motion for Relief From Stay was not done on February 6, 2017 as represented by the Bank of America. The post mark reflects that the motion and notice of hearing were deposited in the U.S. Mail on February 21, 2016.

Thus, allowing for 3 days for delivery it appears that the initial motion package was not received by the Debtor until after the objection period had expired. Consequently, entry of a default order in favor of Bank of America was not appropriate, and it has since been vacated.

To further clarify this matter, and in abundance of caution, the Court reminds Bank of America that the automatic stay remains in effect pursuant to §§ 105 and 362 of the Bankruptcy Code, pending further order of the Court.



3-8-2017

Jeffery A. Deller
Chief U.S. Bankruptcy Judge

CASE ADMINISTRATOR SHALL SERVE:

Mark Davis
James C. Warmbrodt, Esquire
Robert Shearer, Esquire
Office of United States Trustee

FILED
3/8/17 1:46 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Mark Davis
 Debtor

Case No. 16-24792-JAD
 Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dkam
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Mar 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 10, 2017.

db +Mark Davis, 2342 School Street, Penn Hills, PA 15235-4028

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 10, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 8, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor BANK OF AMERICA, N.A. bkgroup@kmllawgroup.com
 Jennifer L. Cerce on behalf of Creditor Penn Hills School District and Municipality of Penn Hills jlc@nmb-law.net
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com
 Robert Shearer information@robertshearer.com, rshearer@ecf.epiqsystems.com;rspclaw@gmail.com
 TOTAL: 5